

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 266

Introduced by Assembly Member Ammiano

February 7, 2011

An act to amend Section 221.5 of the Education Code, relating to state government pupil rights.

LEGISLATIVE COUNSEL’S DIGEST

AB 266, as amended, Ammiano. ~~State government: sports authority.~~
Pupil rights: sex-segregated school programs: gender identity.

Existing law prohibits public schools from discriminating on the basis of specified characteristics, including gender, gender identity, and gender expression, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law requires that participation in a particular physical education activity or sport, if required of pupils of one sex, be available to pupils of each sex.

This bill would require that a pupil be permitted to participate in sex-segregated school programs, activities, and facilities, including athletic teams and competitions, consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records.

~~Existing law exempts from the requirements of the California Environmental Quality Act and specified local planning requirements the development, planning, design, site acquisition, subdivision, financing, leasing, construction, operation, or maintenance of a specified stadium complex and associated development, and infrastructure improvements associated with that stadium complex and associated development.~~

~~This bill would set forth the findings and declarations of the Legislature with respect to obtaining and retaining professional sports teams within the state, and state the intent of the Legislature to enact legislation that will create a Statewide Sports Authority for the purposes of eliminating intrastate conflicts in the procurement of sports teams; coordinating efforts to procure and retain professional sports teams within the state, and helping to finance sports arenas within the state.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 221.5 of the Education Code is amended*
2 *to read:*
3 221.5. (a) It is the policy of the state that elementary and
4 secondary school classes and courses, including nonacademic and
5 elective classes and courses, be conducted, without regard to the
6 sex of the pupil enrolled in these classes and courses.
7 (b) A school district may not prohibit a pupil from enrolling in
8 any class or course on the basis of the sex of the pupil, except a
9 class subject to Chapter 5.6 (commencing with Section 51930) of
10 Part 28.
11 (c) A school district may not require a pupil of one sex to enroll
12 in a particular class or course, unless the same class or course is
13 also required of a pupil of the opposite sex.
14 (d) A school counselor, teacher, instructor, administrator, or
15 aide may not, on the basis of the sex of a pupil, offer vocational
16 or school program guidance to a pupil of one sex that is different
17 from that offered to a pupil of the opposite sex or, in counseling
18 a pupil, differentiate career, vocational, or higher education
19 opportunities on the basis of the sex of the pupil counseled. Any
20 school personnel acting in a career counseling or course selection
21 capacity to a pupil shall affirmatively explore with the pupil the
22 possibility of careers, or courses leading to careers, that are
23 nontraditional for that pupil's sex. The parents or legal guardian
24 of the pupil shall be notified in a general manner at least once in
25 the manner prescribed by Section 48980, in advance of career
26 counseling and course selection commencing with course selection
27 for grade 7 so that they may participate in the counseling sessions
28 and decisions.

1 (e) Participation in a particular physical education activity or
2 sport, if required of pupils of one sex, shall be available to pupils
3 of each sex.

4 (f) *A pupil shall be permitted to participate in sex-segregated*
5 *school programs, activities, and facilities, including athletic teams*
6 *and competitions, consistent with his or her gender identity,*
7 *irrespective of the gender listed on the pupil's records.*

8 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
9 ~~following:~~

10 ~~(1) California is home to five Major League Baseball teams,~~
11 ~~three National Football League teams, and numerous other~~
12 ~~professional sports teams, including soccer and hockey teams.~~

13 ~~(2) The hosting of professional sports teams and large-scale~~
14 ~~sports events brings in millions of dollars to local economies each~~
15 ~~year, and California is in competition with the rest of the nation~~
16 ~~to secure and keep professional sports teams, many of which have~~
17 ~~become part of the state's identity.~~

18 ~~(3) Currently, California has several local sports authorities,~~
19 ~~which sometimes work in competition with each other, and this~~
20 ~~creates the possibility of the state losing out to other states for~~
21 ~~sports arenas and team locations.~~

22 ~~(b) It is the intent of the Legislature to enact legislation that will~~
23 ~~create a Statewide Sports Authority for the purposes of eliminating~~
24 ~~intrastate conflicts in the procurement of sports teams, coordinating~~
25 ~~efforts to procure and retain professional sports teams within the~~
26 ~~state, and helping to finance sports arenas within the state.~~